covered by loans and grants from the Government of India. Another large item relates to various schemes of industrial development, as explained in the detailed estimates. The total sum asked for under this grant amounts to about Rs. 25 lakhs.

With these words I commend the supplementary estimates for the acceptance of the House.

V.—PRESENTATION OF STATEMENT OF DEMANDS FOR EXCESS EXPENDITURE DURING THE YEARS 1951–52 AND 1952–53.

MR. SPEAKER : The Hon. the Minister for Finance will present the Statement of Demands for Excess Expenditure in 1951–52 and 1952–53.

THE HON. SRI C. SUBRAMANIAM : Sir, I present the Statements of Demands for Grants for Excess Expenditure in the years 1951–52 and 1952–53. The appropriations originally provided for, in the Budget Estimates can never be expected to tally entirely with the actuals, and excesses under some grants are inevitable. The explanatory notes appended to the statements give the reasons for the excesses in each case. The Public Accounts Committee constituted for the years 1955–56 and 1956–57 at its meetings held during the course of 1955–56 and 1956–57 examined the reasons for the excesses and recommended that demands for grants to cover the excess expenditure over the final sanctioned appropriation under each grant might be presented to the Legislative Assembly. The reports of the Public Accounts Committee were published in January 1956 and May 1956 and action for moving the Demands for Excess Grants could not be taken till now, owing to the pressure of other Legislative business.

MR. SPEAKER : I would suggest that the Hon. Finance Minister and the Chairman of the Public Accounts Committee follow the British practice that the Demands for Grants for Excess Expenditure should be brought within the next following year. We are now having the Statement of Demands for Grants for Excess Expenditure incurred in 1951–52 and 1952–53.

THE HON. SRI C. SUBRAMANIAM : I know we are taking up this statement after four or five years and it is not quite a satisfactory state of affairs. The Public Accounts Committee also has taken notice of this fact. We are trying our best to expedite, so that the statement may be brought before the Assembly as soon as possible.

VI.—GOVERNMENT RESOLUTION.

RATIFICATION OF THE AMENDMENTS TO BE MADE TO THE CONSTITUTION OF INDIA.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

"That this House ratifies the amendments proposed to be made to the Constitution of India by the Constitution (Seventh Amendment) Bill, 1956, as passed by the two Houses of Parliament."

24th September 1956] [Sri C. Subramaniam]

Hon. Members are aware that in pursuance of the recommendations made by the States Reorganisation Commission and the decisions taken on those recommendations, arrangement for reorganisation of the various States has been finalised, and for the purpose of giving effect to those decisions, an Act also has been passed by the Parliament. As a consequence of the reorganisation of the States, it has become necessary to amend the Constitution on the lines indicated in the Constitution (Seventh Amendment) Bill, 1956. This Bill particularly deals with the problems arising out of the reorganisation proposals. For example, there will not be any Part B or Part C State after 1st November 1956. Therefore the provisions in the Constitution relating to the governance of Part B and Part C States have got to be abrogated. For that is one set of amendments.

The second set of amendments relates to High Court Judges. Till now there was an absolute prohibition against Judges practising in any Court after retirement. This led to great difficulties, because recruitment from the Bar became difficult in view of this prohibition. One of the amendments provides that retired High Court Judges can practise in any Court other than the Court in which they acted as Judges. The provision in the Constitution relating to *ad hoc* Judges has not been working properly. Now provision is being made for additional Judges and acting Judges. These amendments relate to High Court Judges, their functions and their appointment. 9-40 a.m.

Then there are certain other minor changes proposed to be made in the Constitution in regard to executive powers. There is now a provision for the President to empower the States to be in charge of certain matters over which the Centre has got exclusive jurisdiction. The States can function in respect of the matters that have been delegated to them, but there is no corresponding provision for the States to delegate their powers to the Centre, whenever necessary. This has led to certain difficulties. That is why power is now being given by delegation. All the powers which are exclusively within the jurisdiction of the States can now be delegated to the Centre so that common action in respect of the whole country might be taken wherever it is found necessary.

Then there are some changes in the Schedules also. These are very minor changes.

I commend this resolution to the unanimous acceptance of the House, Sir.

Mr. SPEAKER: Motion moved—

"That this House ratifies the amendments proposed to be made to the Constitution of India by the Constitution (Seventh Amendment) Bill, 1956, as passed by the two Houses of Parliament."

The motion is now before the House for discussion.

[24th September 1956

* SRI P. RANGASWAMI REDDIAR: Mr. Speaker, Sir, reference is made to the States Reorganisation Act in the proposed Bill. We know that the States Reorganisation proposals were discussed here and this House made certain recommendations regarding the inclusion of territories, etc., in Madras State. What exactly is the provision in the States Reorganisation Act, we are not aware of. A copy of the Act is not placed before hon. Members of this House and we do not know whether the States Reorganisation Act as passed by both Houses of Parliament has been assented to by the President or not. In these circumstances, I am afraid that we should not be a party to the passing of this motion. Whether Devikulam and Peermade were alone taken away from Madras State or some other areas also were taken away, we are not aware of. Unless a copy of the Act, as passed by both Houses of Parliament, is placed before hon. Members, I am afraid, it will not be possible to give a valid and considered opinion upon this motion.

* SRI P. K. GOPALAKRISHNAN: Sir, while welcoming the amendments proposed and passed by the Houses of Parliament, my feeling is that one more amendment to the Constitution could have been made in regard to the formation of a legislature for Kerala State. Unfortunately, no legislature is functioning in the Travancore-Cochin State, which is to form part of the future Kerala State. On 1st November, the Kerala State will take shape. Members from Malabar, who are now in the Madras Legislature, should have become Members of the future Kerala State Legislature along with the Members of the Travancore-Cochin State Assembly. Unfortunately, certain events happened in the Travancore-Cochin State, and the Travancore-Cochin State Legislature was dissolved. Of course, if the President had only suspended the Travancore-Cochin State Legislature, there would have been no constitutional difficulty about the formation of the Kerala State Legislature at the time of the formation of the Kerala State. But unfortunately the Travancore-Cochin State Legislature was dissolved and not suspended. So only by an amendment to the Constitution, the Travancore-Cochin State Legislature can be revived. A composite legislature for Kerala State can be formed by the merger of the members from Travancore-Cochin State and Malabar. Such an amendment to the Constitution would have been proper at a time when the long-cherished Kerala State was about to take shape. It is unfortunate that the people of Kerala go without a representative Government and have to be under the rule of the President and an Adviser appointed by him. Except for the absence of such an amendment, the proposed amendments to the Constitution are generally welcome, and every Indian will be happy to note that no more is there the institution of Rajpramukhs and no more is there the distinction between A, B and C States in India. During the days of the Britishers here, India had been torn asunder and there had been more than 500 native States, each ruled by a native Prince,

24th September 1956] [Sri P. K. Gopalakrishnan]

who ruled according to his own whims and fancies and not according to the wishes of the people. These native States had been the pawn in the hands of the Britishers to be pitched against the mass movement that was growing in British India. Now Rajas have gone and the institution of Rajpramukhs is also going. The distinction between A, B and C States is also abolished. Every Indian will be happy to note all these. We hope that whatever misunderstandings there had been at the time when the composite States, consisting of different linguistic groups in each State, were formed, will all go now and that all States will be living happily in friendship and goodwill and affection. Let us hope that all the fourteen States and all the six Union territories will prosper with the co-operation of the people and the Government and also the co-operation and friendliness of the neighbouring States. With these words, Sir, I resume my seat.

MR. SPEAKER : Sri P. Rangaswami Reddiar wants the entire States Reorganisation Act to be placed before him. The subject before the House for discussion is the Seventh Amendment to the Constitution, and every hon. Member has been supplied with a copy of this Bill.

* SRI P. RANGASWAMI REDDIAR : Sir, a copy of the Seventh Amendment Bill, 1956, and also a copy of the Parliamentary Proceedings on the Constitution (Ninth Amendment) Bill, 1956, had been circulated. On page 2 of the Constitution (Seventh Amendment) Bill, line 2, reference is made to the States Reorganisation Act of 1956. We are not aware of what exactly are the provisions of the States Reorganisation Act of 1956. We are not aware whether the proposals this House made regarding the States Reorganisation Bill in the matter of inclusion and ex-clusion of territories, etc., have been accepted by Parliament *in toto* or there were any drastic changes in the Bill. Say, for instance, we do not know whether the whole of Coimbatore had been taken away and knowing the provisions in the States Reorganisation Act, how can hon. Members of this House ratify these amendments? Item 7 on page 3 says that Madras comprises certain territories. We do not know what exactly are the territories of the Madras State after the reorganisation. Without letting hon. Members know all these, to ask the House to ratify the amendments, will not, I think, be correct. We cannot blindly vote for this resolution.

MR. SPEAKER : Only the amendments, copies of which have been circulated, is now before the House for discussion.

* DR. K. B. MENON : Mr. Speaker, Sir, now when the ratification of the amendments proposed to be made to the Constitution are under discussion, I would like to invite the attention of the Government to the position of the Members from Malabar district as far as this Assembly is concerned. I think no definite answer has been given to us as yet as to what our 9-50 a.m.

position is going to be. It is very obvious that we were elected from Malabar as Members of the Madras Legislative Assembly because Malabar formed part of the Madras State. As long as the Madras Assembly is not dissolved, I cannot see any constitutional or legal way of picking out the Members of Malabar and sending them out of the Assembly. If that is done through an amendment of the Constitution or by a resolution of the Parliament, I feel that it would smack of arbitrariness and unconstitutionality. I am quite sure that such an act would be against the spirit and letter of the Constitution as well. Some way has to be found out to rectify such a mistake, and so far no way has been suggested either by the Centre or by the State Government. This state of affairs is causing considerable concern in Malabar itself and it is so not because we personally are involved in it. The Home Minister to the Government of India, Mr. Pant, was very generous with his sympathies as far as the Members from Malabar belonging to the Madras Assembly were concerned. But, I would like to say that this is not a matter for sympathy but is a matter for the assertion of one's rights. We are not asking for sympathy as such. It is all right for a Government Member to adopt a sympathetic attitude. But what we want is that the rights of the Members of the Madras Assembly coming from Malabar district should be respected and also the rights of the people of Malabar district for popular representation should be respected. It would be setting a very bad precedent if the Members from Malabar are picked out and sent out.

There is also another issue which arises out of this question. Malabar is part of an A State and Travancore-Cochin is a B State The distinctions between the various States as A, B and C will vanish the moment the amendments to the Constitution are ratified by the various State Legislatures. I cannot understand how a part of an A State can be tacked on to a Part B State where there is now President's rule. President's rule is something that is abhorred all over. Nobody wants dictatorship and nobody wants a constitutional democratic Government to be replaced by a Government of the Representative of the President, and when I say this, I mean no reflection on the President. Everybody is aware of the remarks made by the Members of Parliament including those belonging to the Congress Party about Mr. Rao's regime in the Travancore-Cochin State. Remembering all these facts, one can understand the concern felt in Malabar about sending Members of the Assembly coming from Malabar district out of the Madras State. That is a very current issue. This matter was raised during the Budget debate, but probably the Hon. Leader of the House had no definite information at that time and could not say anything. But I do invite his attention to the issue now and I would like to tell him that Malabar is very much agitated on this issue.

If the Travancore-Cochin State Assembly were not dissolved things would have been very easy. But since that has been dissolved—may be for political reasons, and I am not going to enter

into the merits of that subject—I invite the attention of the Government to the need for finding a way out of this mess.

Sri P. RAMAMURTHI : கனம் சபாநாயகர் அவர்களே, 9–55 a.m.
சபைக்கு முன் இருக்கக்கூடிய தீர்மானம் சமீபத்தில் பார்லிமெண்டில் நிறைவேற்றப்பட்ட ராஜ்ய புனரமைப்புச் சட்டத்தினால் எழக்கூடிய அரசியல் சட்ட சம்பந்தமான திருத்தங்களைப் பற்றியதாகும். ராஜ்ய புனரமைப்புச் சட்டம் அங்கத்தினர்களுக்குக் கொடுக்கப்படவில்லை என்ற ஒரு புகார் இங்கே நிச்சயமாக எழுப்பப்பட்டிருக்கிறது. அது உண்மை தான். ஆனால், அதே சமயத்தில் நவம்பர் மாதம் முதல் தேதி சீரமைக்கப்பட்ட புதிய ராஜ்யங்கள் ஸ்தாபிக்கப்படவேண்டுமென்ற அவா இந்நாட்டில் இருக்கக்கூடிய பெருவாரியான மக்களுடையது. ஆகையால், சட்ட சபை அங்கத்தினர்களாக இருக்கக்கூடிய நமக்கு சென்னை ராஜ்யம் எந்த விதத்தில் திருத்தி அமைக்கப்படப் போகிறது, ராஜ்ய புனரமைப்புச் சட்டம் எந்த விதத்தில் நிறைவேற்றப்பட்டிருக்கிறது, நமது சட்ட சபையில் நிறைவேற்றப்பட்ட தீர்மானத்திலுள்ள திருத்தங்கள் எந்த அளவுக்கு ஒத்துக்கொள்ளப்பட்டன, எந்த அளவுக்கு ஒத்துக்கொள்ளப்படவில்லை என்பதெல்லாம் நிச்சயமாகத் தெரியும். ஆகவே, ராஜ்ய புனரமைப்புச் சட்டம் நம் முன்பு வைக்கப்படவில்லை என்ற காரணத்திற்காக நாம் இந்தத் தீர்மானத்தை ஒத்திப்போட வேண்டிய அவசியமில்லை என்று நான் கருதுகிறேன். அதே சமயத்தில் சர்க்கார் இந்தச் சட்டத்தின் பிரதியை நமக்குக் கொடுத்திருக்கவேண்டியது அவசியம். எதிர் காலத்தில் சர்க்கார் இந்த மாதிரி செய்யக்கூடாது என்று நான் கேட்டுக் கொள்கிறேன். ராஜ்ய புனரமைப்பு சம்பந்தமாக, தமிழ் நாட்டில் சேரக்கூடிய சில பகுதிகள் சேர்க்கப்படவில்லை என்று தமிழ் நாட்டில் இருக்கக்கூடிய பெருவாரியான மக்களுடைய குறை. கன்னடியர்களின் புகார் காஸர்கோடில் சில பகுதிகள் சேர்க்கப்படவில்லை என்பது. மலையாளிகளின் குறை நியாயமாக அவரவர்களுக்குச் சேரவேண்டிய பகுதிகள் சில சேரவில்லை என்பது. இம்மாதிரி குறைகள் இருக்கத்தான் செய்கின்றன. இருந்தபோதிலுங்கூட, ராஜ்ய புனரமைப்பு மொழிவழி அடிப்படையில் ஏற்படவேண்டுமென்பது நீண்ட நாள் கோரிக்கை. அது பெரும் அளவுக்கு நிறைவேற்றப்பட்டிருக்கிறது என்பதை நாம் கணக்கில் எடுத்துக்கொண்டு, ஒரு பகுதி கிடைக்காமல் போனால் ராஜ்ய புனரமைப்பு வேண்டாம் என்று குறுக்கே நிற்காமல், நாட்டில் இருக்கக்கூடிய மக்களுடைய அபிலாஷையை பெரும் அளவுக்கு நிறைவேற்றிவைக்கிறது ராஜ்ய புனரமைப்புச் சட்டம் என்பதை மனதில் கொண்டு இந்தத் தீர்மானத்தை நிறைவேற்றவேண்டும். இந்தத் தீர்மானம் நிறைவேற்றப்படாவிட்டால் நவம்பர் முதல் தேதியன்று ராஜ்ய புனரமைப்பு ஏற்படுவது சாத்தியமல்ல என்பதை ஞாபகத்தில் வைத்துக்கொண்டு, இந்தத் தீர்மானத்தை நாம் ஏற்றுக்கொள்ளவேண்டும்.

இரண்டாவதாக இந்தத் திருத்தங்கள் விஷயமாக இதில் சில விஷயங்களும் சேர்ந்திருக்கின்றன. குறிப்பாக ஹைகோர்ட் ஜட்ஜுகளைப் பற்றி இவைகளில் குறிப்பிடப்பட்டிருக்கிறது. அதாவது ஹைகோர்ட் ஜட்ஜுகள் ரிடயரான பிறகு அவர்கள் வேறு கோர்ட்டுகளிலும் ஆஜராகலாம் என்று திருத்தம் போடப்பட்டிருக்கிறது. ஹைகோர்ட்டுகளில் அவர்கள் ஏற்கெனவே ஜட்ஜுகளாக இருந்தாலும் அந்த ஹைகோர்ட்டை விட்டுச் சென்ற பிறகு அவர்கள் வேறு கோர்ட்டுகளிலும் ஆஜராகலாம் மற்றும் இதர கோர்ட்டுகளுக்கும் சென்று ப்ராக்டீஸ் பண்ணலாம் என்று சொல்லப்படுகிறது. அப்படிப் பார்த்தால் அவர்கள் சுப்ரீம் கோர்ட்டில்தான் ப்ராக்டீஸ் பண்ணலாம். அது எந்த அளவிற்கு இந்தத் திருத்தத்தினால் உதவியாக இருக்கும் என்பதுதான் தெரியவில்லை. சென்னை ராஜ்யத்தில் ஒருவர் ஹைகோர்ட்டு ஜட்ஜாக இருந்து விட்டு அவர் ரிடையரானால் அவர் மறுபடியும் சுப்ரீம் கோர்ட்டுக்குத்தான் சென்று ப்ராக்டீஸ் பண்ணலாம். இதர ராஜ்யங்களில் ப்ராக்டீஸ் பண்ணாமல் சுப்ரீம் கோர்ட்டு ஒன்றில் தான் ப்ராக்டீஸ் பண்ணலாம் என்பது ஒன்றுதான்

[Sri P. Ramamurthi] [24th September 1956

இதிலிருந்து தெரிகிறது. இதில் எவ்வளவோ கஷ்டங்கள் இருக்கின்றன. வக்கீல்கள் இதைப்பற்றி ஒரு முடிவு செய்திருப்பார்கள். அவர்கள்தான் முடிவு செய்ய வேண்டிய விஷயமாக இருக்கிறது. அவர்களுடைய முடிவுக்கு மேல் இப்படிப்பட்ட ஒரு முடிவு செய்ய வேண்டியது அவசியம் தான். அதனால் இந்த திருத்தங்கள் எல்லாம் அவசியம் என்றுதான் தோன்றுகிறது. ஜட்ஜுகள் இப்படிப்பட்ட திருத்தங்கள் அவசியம் என்று கருதினால் எங்களுக்கு எந்த விதமான ஆட்சேபணையும் கிடையாது. ஆகவே இந்த திருத்தங்களைப்பற்றி எங்களுக்கு ஆட்சேபணை இல்லை. இந்த தீர்மானத்தை நிறைவேற்றுவதிலும் எங்களுக்கு எந்த விதமான ஆட்சேபணையும் இல்லை என்று சொல்லிக் கொண்டு இத்துடன் முடித்துக் கொள்ளுகிறேன்.

10 a.m. * SRI K. UPPI : Mr. Speaker, Sir, it is with a heavy heart that I rise to speak on this resolution. The position to which Malabar will be reduced after the implementation of the States Reorganisation Act is a very peculiar and sad one. It is like punishing a person for the offence committed by somebody else. Some people committed some mistake and innocent people also are clubbed with them and are going to be punished. I do not know whether, under the Constitution, anybody has got the power to terminate the membership of Members who have been elected by the people of Malabar district in the same way as the Members from other districts have been elected by the people of the respective districts. Who has got the authority to terminate a right which the people have conferred on the Members? If the Members coming from Malabar have committed any mistake or have done anything deterimental to the interests of the country it is but fair that they should be sent out. But they are being sent out for no fault of theirs. I do not know whether the Court has got the power to declare the termination of our membership *ultra vires*. If someone goes to the Court, I am afraid the whole thing may be declared invalid. But none of us is going to file a writ petition. But this is a matter which is fit for filing a writ petition.

I wish to have clarification from the Government on another point. Malabar has been a part of the Madras State and it is going to be merged with the Travancore-Cochin State. The Travancore-Cochin State and Madras State are different in so many respects. I understand that in the Travancore-Cochin State, no grants are given to aided schools and to orphanages run by private managements. I wish to know whether such institutions in Malabar, which are receiving aid from the Government of Madras, will cease to get the aid after the separation of Malabar from the Madras State and come to sudden end. The Madras Government owe a duty to Malabar and they should represent to the Central Government and to the Travancore-Cochin Government to continue the aid to such institutions and protect and maintain them. With these words, I conclude my speech.

THE HON. SRI C. SUBRAMANIAM : Sir, one very pertinent and relevant point was raised by Dr. K. B. Menon and Mr. Uppi Sahib, and that is about the future of the Members of this

Assembly coming from the Malabar district. I do realise that it is very anomalous that the Malabar Members should find themselves in a vacuum, so to say, from 1st November onwards. They will be neither in this Assembly nor in the Kerala State Assembly. But that is a situation which has arisen out of the political conditions prevailing in the parent State of Travancore-Cochin. When there is President's Rule in that State and Malabar district becomes part and parcel of that State, it will be very difficult to provide for the functioning of a legislature for the Malabar district alone. It is not as if this problem has been brought to our notice for the first time. This was discussed in the Parliament, and the Members there came to the conclusion that this was inevitable and that no special provision could be made in the existing circumstances. Even though it may be an anomalous position, we have to put up with it for a few months, till the general election takes place. While my sympathies or the sympathies of the Government of Madras are with the Members belonging to the Malabar district, we are really, in a helpless position. What cannot be cured has to be endured, and this is a saying which is applicable to every aspect of life. Let us hope that the general eletcion will take place in the Kerala State in February-March 1957 and that the representatives of the people will be called upon to administer that State as before.

I forgot to refer to two other important amendments in the Bill. One provides for the appointment of a common Governor for two or more States and the other provides for the establishment of a common High Court for two or more States. But I am sure this will be done only with the concurrence of the States concerned and there will not be any imposition.

I have nothing more to say. I hope the House will pass the resolution unanimously.

SRI P. K. GOPALAKRISHNAN : As Members, we are not much concerned with our own membership. What we are concerned with is that Kerala should have a legislature of its own. Whatever sympathies the Minister may have, let those sympathies be with the people of Kerala and not with the Members here.

THE HON. SRI C. SUBRAMANIAM : If the hon. Members will not mind and if that will give them any satisfaction, they are always welcome to this Assembly and let them watch the proceedings here.

MR. SPEAKER : The question is—

"That this House ratifies the amendments proposed to be made to the Constitution of India by the Constitution (Seventh Amendment) Bill, 1956, as passed by the two Houses of Parliament."

The resolution was put and carried.